

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

COMPUTERIZED SCREENING, INC., )

Plaintiff(s), )

vs. )

HEALTHSPOT, INC., )

Defendant(s). )

Case No. 2:14-cv-00573-RFB-NJK  
ORDER DENYING PROPOSED  
DISCOVERY PLAN (Docket No. 42)

Pending before the Court is the parties' proposed discovery plan. Docket No. 42. The proposed discovery plan is hereby denied as it fails to comply with Local Rule 26, despite the plan's representation that it is "submitted in compliance with Local Rule 26-1(e)[.]" *Id.*, at 1. That rule provides that:

[Stipulated discovery plans] shall state the date the first defendant answered or otherwise appeared, the number of days required for discovery measured from the date the first defendant answers or otherwise appears, and shall give the calendar date on which discovery will close. Unless otherwise ordered, discovery periods longer than one hundred eighty (180) days from the date the first defendant answers or appears will require special scheduling review[.]

Local Rule 26-1(e)(1). The parties' proposed discovery plan first runs afoul of Rule 26-1(e) by failing to state when Defendant answered or appeared. Docket No. 42 at 2. Here, Defendant first appeared by filing a motion to dismiss on June 30, 2014. Docket No. 11. Second, and more importantly, the parties imply that they only request a discovery period of one hundred and eighty days. *See* Docket No. 42 at 2 (providing that the proposed discovery plan was submitted in compliance with Local Rule 26-1(e)). However, the parties failed to "measure[] from the date the first defendant appear[ed]." Local Rule 26-

1 1(e)(1). Instead, the parties erred by apparently calculating the discovery date from the date when  
2 Defendant filed an answer. *See* Docket No. 26. Because Defendant first appeared on June 30, 2014  
3 and the parties seek to set the discovery deadline on February 7, 2016, the parties actually request a  
4 discovery period of approximately 587 days. Therefore, Local Rule 26(e) requires them to seek special  
5 scheduling review, and Local Rule 26-1(d) requires them to include a statement of reasons justifying  
6 the longer period of time. The parties failed to do either.

7 Accordingly, the proposed discovery plan is hereby DENIED without prejudice. The parties  
8 must file a new joint proposed discovery plan that complies in full with Local Rule 26-1, no later than  
9 October 13, 2015.

10 IT IS SO ORDERED.

11 DATED: October 6, 2015

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NANCY J. KOPPE  
United States Magistrate Judge  
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